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563 Kerbela, Samarra and Kadhimain. Two-thirds of the Jews inhabit Baghdad, the others living mainly in Mosul and Basra. The Mandaeans dwell on the banks of rivers in Southern Iraq.

Written Guarantees

641 563 In 1932 the Council of the League of Nations gave its approval to the termination of the Mandatory regime and decided to admit Iraq to membership of the League on condition that the Iraqi Government gave formal guarantees for, among other things, the effective protection of minorities, containing the same general provisions as the minority-treaties accepted by several European States and any special provisions which the Council might think necessary.

In accordance with this decision the Iraqi Government issued a declaration, Chapter I of which safeguarded the rights of indigenous minorities. They were guaranteed full protection of life and liberty; the free exercise of any creed, religion or belief; equality before the law and of civil and political rights; freedom in the use of any language; the right to maintain their own institutions and educational establishments and to have questions of personal status settled in accordance with their customs and usages; full protection for the religious establishments of religious minorities and the right to administer their own endowments; and an adequate share for minorities in public funds for educational, religious and charitable purposes. These stipulations were recognized as fundamental laws of Iraq and were declared to constitute obligations of international concern and to be placed under the guarantee of the League of Nations.

Even before the issue of this declaration, the Iraqi Constitution, promulgated in 1925, had given similar full guarantees. Article 6 declares the absolute equality of all Iraqis before the law. Article 13 states that Islam is the official religion of the State, but guarantees complete freedom of conscience and worship in conformity with accepted customs, in so far as forms of worship do not conflict with the maintenance of order or public morality. Article 16 gives communities the right of establishing and maintaining schools for the instruction of their members in their own languages; Article 17, however, states that Arabic is the official language except as may be prescribed by a special law. Article 18 provides that government appointments shall be made without

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discrimination in accordance with capacity. Finally, Article 37 states that the method of election to the Chamber of Deputies shall take into account the necessity for the representation of non-Islamic minorities.

Some of these guarantees have been reinforced by particular laws. Thus the Electoral Law of 1924 allotted four deputies to the Christians and four to the Jews; it is a matter for dispute whether the law permits individual Christians and Jews to be elected as representatives of the ordinary constituencies. Similarly the non-Moslem communities were given representation in local and municipal councils by special laws.

As for the linguistic minorities, the Local Languages Law of 1931 provided that the official language should be Kurdish or Turkish in a number of districts, and in addition that in all elementary and primary schools in those districts the language of instruction should be the mother-tongue of the majority of the pupils.

Personal Status and Communal Organization

The grant to religious minorities of jurisdiction in personal and other matters has not met with the same difficulties as those which have occurred in Syria. Articles 75 and 78 of the Constitution provided for the establishment of Christian and Jewish Spiritual Councils, with powers of jurisdiction to be conferred upon them by special laws. Their functions were defined in Article 79 as including matters relating to marriage, dowry, divorce, separation, alimony, attestation of wills and any other matters relating to personal status if the parties concerned consented. Every religious community was also, according to Article 112, to have the right to establish bodies competent to administer Waqf property.

In application of these provisions, several laws have been issued for particular communities, defining the method of appointment of the spiritual heads of the communities and of their councils, both spiritual and lay, and their functions in regard not only to personal status but also the decision of religious questions, the training of ecclesiastics, the administration of Waqf property, and the administration of schools and charitable institutions. For those communities for which special laws have not yet been issued, the old Turkish law on the subject remains valid.

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The Minorities and the Iraqi State

641 563 The Iraqi Government has on the whole tried to be correct in its dealings with the minorities. There are usually one or two Kurds in each Cabinet and there have been one Jewish and one Christian Minister; the minorities have a share, although perhaps an inadequate one, in government and army appointments, and in government subsidies to schools. Apart from the Assyrian incidents of 1933, the peculiar circumstances of which are explained below, and the Baghdad pogrom of 1941, at a time when government had practically ceased to function, there has been no physical persecution of minorities. Nevertheless, they are all restless and apprehensive, and have not yet come to regard themselves, nor are they regarded by others, as full and loyal citizens of the Iraqi State.

The explanation for this is not to be found in the bad will either of majority or of minorities. Its fundamental cause is to be looked for in the amorphous nature of the State. Iraq was created artificially by joining together three Ottoman provinces. It is too large to have the natural unity which each of those provinces possesses by itself, too small to have the unity of the Fertile Crescent or Arab Asia as a whole. It has not yet acquired a unity or structure of its own, and cannot do so until two fundamental questions are faced and answered: first, what are to be the relations between Sunnis and Shi'is in Iraq; secondly, what is to be the relation of Iraq to the rest of the Arab world?

The first is perhaps the most important of all questions for the future of the country. There are more Sunnis than Shi'is in Iraq as a whole, but the Sunnis are divided into Kurds and Arabs, so that the Shi'is form the largest single community. Nevertheless, they have less than their due share in the Government, mainly because there are fewer men of education among them than among the Sunnis. Thus they are discontented, and the political balance between them and the Sunnis is very precarious.

641 563 668 There are to-day two political tendencies in Iraq, based upon two possible solutions of this fundamental problem. Many Iraqis, mainly among the Sunni Arabs, advocate the incorporation of Iraq into an Arab State or federation, in the hope that this will ease the local situation: the Shi'is will be in a minority in the large Arab State, and in course of time will come to look upon themselves as Arabs rather than as Shi'is. The other tendency, which has many adherents among the Shi'is, is towards the

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development of an Iraqi nationalism, regarding all Iraqis without distinction as equal citizens of the State.

These two tendencies are not necessarily opposed to one another except in their extreme forms. A Pan-Arab would generally concede the value of local feeling provided it is kept in its proper place; an Iraqi nationalist would not oppose Iraq's membership of the Arab League. They differ not in essence so much as in emphasis. This difference, however, is important; and it is clear that the future of the minorities will be greatly affected by which of them prevails. If the exclusive Iraqi nationalism prevails, the way will be open for all minorities to become full citizens, although this will not save them from the necessity of at least some degree of assimilation. If Pan-Arab sentiment prevails, then a serious Kurdish problem may arise; and a Christian problem as well if Pan-Arabism is not dissociated from Islamic feeling.

The Kurds: Description

The Kurds form a compact community with a local majority in the north and north-east of Iraq. Most of them are concentrated in the liwas of Mosul, Irbil, Kirkuk, Sulaimania and Diala. The regions which they inhabit are largely mountainous, and a great proportion of them are nomadic or semi-nomadic pastoral tribesmen, pasturing sheep, goats and other animals, moving up the mountains in the summer and down again in the cool weather. Others of them, however, are farmers in the plains and valleys, who cultivate wheat, fruit, rice and tobacco; not all the farmers however are wholly settled, some of them being semi-sedentary.

Most of the Kurds are Sunni Moslems, although a minority belong to extreme Shi'i sects. Again, most of them preserve their Kurdish language and customs, although in certain districts they are bi-lingual and a few tribes are in process of being Arabized. Their language is not unified so much as a group of dialects, some of which differ partly from one another. Similarly, they themselves do not form a single community but a group of tribes. Among the wholly settled Kurds the tribal organization is becoming weaker, but in the mountains it is still very strong, and in general it is true to say that tribal loyalty is stronger than any other. The tribesmen, like most mountain peoples, are restless under civil government and positive law. They willingly

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563 lowlands to the south of Hakkiari, in what is now Iraq. When
166 the war broke out, the Hakkiari group revolted against the Turks, largely in the hope of Russian help. Driven from their homes, they joined up with their fellow-countrymen and with the Russians around Urmiyah; but the collapse of Russia destroyed their position, and after resisting the Turks for a time, they were forced to flee southwards to Hamadan, where the British military authorities disarmed them and sent them on to the refugee camp at Baqubah near Baghdad.

When the war ended, the problem arose of what to do with the refugees on Baqubah. In 1919 there were some 25,000 of them; most of them were from the Hakkiari group and wanted nothing except to be allowed to return to their native mountains. This, which would have been possible immediately after the war, became impossible when in 1925 the Council of the League of Nations settled the question of the Turco-Iraqi frontier in a way which left the Hakkiari region inside Turkey. Thus, the land which the Assyrian refugees regarded as theirs was placed on one side of the frontier while they themselves were on the other; and since the Turkish Government refused to allow them to return, and deported such of them as had returned, the mandatory and Iraqi authorities were left with the problem of finding new homes for them.

By 1930 a great deal had been done to solve the problem. Some thousands had been settled in villages in the northern district of the country (this in addition to those who had returned to their homes to the south of the Hakkiari mountains, and whose position was unaffected by subsequent disturbances). In addition, several thousands had found work in Mosul, Baghdad and other towns. Only a few hundreds still remained unsettled. All this work had been helped by the privileges granted to the refugees by the Iraqi Government and the interest taken in them by the mandatory Power, which had special obligations towards them because of what they had suffered for the Allied cause during the war.

563 Nevertheless, the Assyrians were not contented with their
● 641 position. Their discontent was partly due to the general unrest and demoralization which their experiences in the war and as refugees living on charity had implanted in them. But it was also due to more particular causes. First, there was their continuing desire to return to their own country, and their refusal

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to accept their stay in Iraq as more than temporary. Secondly, even if they had to remain in Iraq, they wished to go on living the same sort of independent life under the Mar Shimun as they had lived before the war. They were not satisfied with the privileges which they shared with other minorities; they claimed complete autonomy, and their claims were expressed in the most intransigent form by the Mar Shimun himself. Finally, they distrusted the Iraqi Government, and regarded themselves as in a special way the protégés of the British Government; when the Anglo-Iraqi Treaty of 1930 was signed, they thought themselves to have been abandoned by their protectors, and feared the worst. Their fears were intensified by the work among them of a small group of agitators.

Nor was the Iraqi Government more satisfied with the situation. It resented the special position accorded to the Assyrians, no less than the refusal of the Assyrians to be contented with their position as citizens of Iraq. What is more important, it feared them. Throughout the mandatory period, Assyrian Levies had been trained and used by the British authorities for guarding aerodromes as well as for the repression of the Kurdish revolts. They had proved to be good soldiers; both they and the Iraqis believed that they would be more than a match for the young Iraqi Army. After 1930 they were gradually disbanded, but they retained their arms, and the Iraqi Government feared that in view of the prevailing discontent among the Assyrians they might revolt and the revolt would be difficult to crush; it feared also that the British Government might instigate a revolt, as an excuse for recovering control over the country.

By the summer of 1933 tension between the Assyrians and the Government was very great. Although some of the former were willing to come to terms with the Government, others, the foremost among them being the Mar Shimun, were still demanding autonomy; and asked, if this was not possible, to be allowed to cross the frontier into Syria. Relations between the Mar Shimun and the Government had reached such a state that he was not allowed to return from Baghdad to the north. The Government and the Army were becoming increasingly frightened of the possibility of a revolt, and resolved, if given an opportunity, to end the danger once and for all. King Feisal and several of the more experienced Ministers were away in Europe, and the

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563 Ministers left in Iraq were too weak or disinclined to resist the
641 extremism of the Army and of public opinion.
669 At this moment, in June, a group of Assyrians decided to take matters into their own hands and cross the Tigris into Syria. On the other side of the river they were disarmed by the French authorities; but later their arms were returned to them and many of them crossed back into Iraq. There they met a detachment of the Iraqi Army; fighting broke out (it cannot be established who began it), and both sides suffered casualties. When the news of this incident spread through Iraq, Government, Army and public alike were seized with mass hysteria; the action of the Assyrians was considered as the beginning of a revolt, and it was resolved to take decisive action. The Army organized and carried out a series of massacres in which some hundreds of Assyrians were killed.

These massacres, and the fear of further ones, completely broke the spirit of the Assyrians. Some 6,000 of them crossed over into the Upper Khabur region in Syria, and about 15,000 others subsequently expressed their desire to leave Iraq. The Council of the League of Nations set up a special committee to deal with the question of settling them. After several proposals for their settlement in Brazil, in British Guiana and in the Orontes Valley in Syria had been considered and rejected, it was finally decided that those already in Syria should be permanently settled in the Upper Khabur Valley in the Jazirah, while the remainder should stay in Iraq.

563 The situation of the Assyrians in the Khabur Settlement has already been discussed. Of those who remained in Iraq or have returned to it, some are still in their old homes round Amadia and Ruwanduz; some have settled down again in villages around Mosul; others are working in the big towns. A British Commission appointed by the Iraqi Government reported in 1938 that their economic position in the northern plains was at least as good as that of the other inhabitants. No further incidents have occurred; the Assyrians are no longer disposed to be intransigent, and the Government is no longer obsessed by the idea that they are dangerous. It is not impossible, however, that a dangerous situation will once more arise. During the recent war a very large proportion of the Assyrian men were enrolled in the R.A.F. levies or were working for Great Britain in other ways. It was calculated that 75 per cent of them were

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CONSTITUTION (ORGANIC LAW) OF IRAQ[1]

Passed by the Constituent Assembly, July 10, 1924, and promulgated by the King on March 21, 1925, as amended by the laws of July 29, 1925, and October 27, 1943. 642

Introduction

Art. 1. This law shall be known as "The Iraq Constitution," its provisions shall be in force in all parts of the Kingdom of Iraq.

Art. 2 *(as amended October 27, 1943)*. Iraq is a sovereign State, independent and free. Her territories shall not be partitioned and no part thereof shall be given up. The Government is a hereditary monarchy, and its form is representative.

Art. 3 *(as amended October 27, 1943)*. The city of Baghdad is the Capital of Iraq. In case of need some other place may be adopted as the Capital, as a temporary measure.

Art. 4 *(as amended October 27, 1943)*. The Iraq flag shall be of the following form and dimensions:—

Its length shall be double its breadth and it shall be divided horizontally into three parallel and equal strips, the uppermost being black, the next white and the next green. Next to the staff it shall bear a red truncated cone, of which the greater base shall be equal to the breadth of the flag, the smaller base equal to the breadth of the white strip and the height equal to one-fourth of the length of the flag. In the middle of the cone shall be two white stars of seven points placed in a perpendicular line parallel to the staff.

The use of the flag and the arms, insignia and decorations of the State shall be prescribed by law.

Part I

The Rights of the People

Art. 5 *(as amended October 27, 1943)*. Iraq nationality and the rules applicable thereto will be prescribed by law. 642 641

[1]English text, League of Nations, Geneva, 1929 (C. 49 1929, VI) (Series of *League of Nations Publications*. VI. A. Mandates. 1929. VI. A. 1.); Amendments of 1943: *Iraq Government Gazette*, Baghdad, November 28, 1943, pp. 469-476.

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642 Art. 6. There shall be no differentiation in the rights of Iraqis
641 before the law, whatever differences may exist in language, race or creed.

Art. 7. There shall be no violation of, or interference with, the personal liberty of any of the inhabitants of Iraq. None of them shall be arrested, detained, punished or obliged to change their place of residence, or be placed in bonds, or compelled to serve in the armed forces, except in conformity with law.

Torture and the deportation of Iraqis from the Kingdom of Iraq are absolutely forbidden.

Art. 8. The inviolability of all places of residence is guaranteed. They may not be entered or searched except in such circumstances and in such manner as may be prescribed by law.

Art. 9. No person shall be prevented from having recourse to the Courts, or be obliged to have recourse to a Court other than the Court competent to deal with his case, except in accordance with law.

Art. 10 *(as amended October 27, 1943)*.

1) Rights of ownership shall be safeguarded. No person's goods or property shall be expropriated except for the public benefit, and in the circumstances and in the manner prescribed by law, and on condition that just compensation is paid.

2) Forced loans may not be imposed, nor may goods or property be seized or prohibited goods confiscated, except in accordance with law.

3) Unpaid forced labour and the general confiscation of movable and immovable property are absolutely forbidden.

Art. 11 *(as amended October 27, 1943)*. No tax or duty shall be imposed except by law, the provisions whereof shall include all the persons liable to pay the tax.

Art. 12. Freedom of expression of opinion, liberty of publication, of meeting together, and of forming and joining associations is guaranteed to all Iraqis with such limits as may be prescribed by law.

Art. 13. Islam is the official religion of the State. Freedom to practise the rites of the different sects of that religion, as observed in Iraq, is guaranteed. Complete freedom of conscience and freedom

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to practice the various forms of worship, in conformity with accepted customs, is guaranteed to all inhabitants of the country, provided that such forms of worship do not conflict with the maintenance of order and discipline or public morality.

Art. 14. *(as amended October 27, 1943).* Iraq nationals have the right to present petitions of complaint and memorials, in matters concerning themselves personally or in public matters, to the King and to Parliament and to the public authorities, in the manner and in the circumstances to be prescribed by law.

It is not permitted, except to official bodies and juristic persons, to address the authorities in the name of a number of persons.

Art. 15. All postal and telegraphic correspondence and all telephonic communications shall be secret and free from censorship or detention, except in such circumstances and in such manner as may be prescribed by law.

Art. 16. The various communities shall have the right of establishing and maintaining schools for the instruction of their members in their own tongues, provided that such instruction is carried out in conformity with such general programmes as may be prescribed by law.

Art. 17. Arabic shall be the official language, except as may be prescribed by a special law.

Art. 18 *(as amended October 27, 1943).* Iraq nationals are equal in the enjoyment of civil and political rights and the performance of public duties and obligations. No distinction shall be made between them on account of origin, language or religion. To them alone shall public appointments, civil or military, be entrusted, and foreigners may not hold such appointments except in the exceptional circumstances to be prescribed by law.

Part II

The Prerogatives of the Crown

Art. 19. The sovereignty of the constitutional Kingdom of Iraq resides in the people. It is a trust confided by them to King Faisal son of Husain, and to his heirs after him.

Art. 20 *(as amended October 27, 1943).*

1) The Heir Apparent shall be the eldest son of the King, in the